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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 004965

SIPDIS

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TAGS: [PREL](#) [PGOV](#) [TU](#) [IZ](#)

SUBJECT: ACTION REQUEST: TURKEY CONCERNED THAT NEW  
CONSTITUTION WILL GIVE KURDS A GREEN LIGHT ON KIRKUK

REF: ANKARA 4873

Classified By: Acting DCM Timothy A. Betts for reasons 1.4 (b) and (d).

1. (U) This is an action request--please see para. 7.

2. (C) Summary: Turkey believes the language on Kirkuk in the Iraqi draft constitution will remove safeguards currently in place in the TAL and give the Iraqi Kurds a "green light" to press forward with making the province part of the KRA. Turkey sees such a development (if true) as "explosive," and asks that the U.S. use its influence to "restore balance" on Kirkuk in the constitution. Post seeks clarification on the current state of play on Kirkuk in the constitutional process to pass to the Turks. End summary.

3. (C) On instructions from FonMin Gul, MFA Director General for the Middle East Oguz Celikkol called in A/DCM Aug. 24 to express Turkey's concerns about articles in the new Iraqi constitution which reportedly remove "safeguards" which had been present in the TAL which would prohibit Kirkuk from becoming part of the KRA. Specifically, Celikkol referred to Articles 149 and 152 of what he said was the current draft constitution, and pointed out that they refer only to TAL Article 58 and to para. a of TAL Article 53. The Turks are particularly alarmed that para. c of Article 53 has been removed; this para. specifically bars Kirkuk (and Baghdad) provinces from becoming part of any regional grouping. Additionally, according to Celikkol, the draft constitution sets a low bar for demanding a provincial referendum on joining a regional grouping: one-third of the members of a provincial council or a petition signed by ten percent of a province's population would be sufficient.

4. (C) Celikkol asserted that the draft constitution upsets the previous balance hammered out within the TAL to protect Kirkuk's special status. The Iraqi Kurdish groups will see this outcome as a "green light" for their demand to take over Kirkuk and make it part of the KRA. Many thousands of Kurds have already moved into the province since 2003. This, combined with the constitutional language, make it a fait accompli that Kirkuk will come under Kurdish control, he argued. Celikkol added that he understood that Sistani had issued a statement opposing Kirkuk's incorporation into the KRA. If this is the case, and if the Sunnis were also to oppose this, "the situation is explosive," he said.

5. (C) A/DCM asked if Turkey was also discussing its concerns with the Iraqis. Celikkol responded that he understands that the constitution is being hammered out by a very small circle in Baghdad: SCIRI leader Hakim, KDP leader Barzani, and Ambassador Khalilzad. Celikkol complained that there is no easy ITG address in Baghdad with whom to speak about such issues. He said Turkey does talk to Hakim in general terms about Kirkuk, but has not discussed specific constitutional language with him or the Shia. Discussing the issue with the Kurds is "difficult." As for the Sunni Arabs, the Turks want to concentrate their dialogue on encouraging them to participate in the political process, not on specific Turkish complaints. Turkey is asking the U.S. to use our influence to keep safeguards in place on Kirkuk in the constitution. If these safeguards are removed, Celikkol argued, it may "unleash additional tensions and divisions in Iraq."

6. (C) A/DCM pointed out that we were being careful to ensure that the constitutional process was an Iraqi process. Amb. Khalilzad and our Embassy were working hard to promote dialogue and bring the parties together, but if the language the Turks are concerned about is agreed to by all sides, we cannot change it. Noting that post has not seen a draft with the kind of language the Turks have found, and that several of Acting U/S Sensoy's earlier claims about the text to the Charge had proven to be erroneous (reftel), A/DCM asked if the text the Turks had obtained was authoritative. We understood that there are many different draft texts in circulation in Baghdad. Celikkol responded that it had come from the Turkish Embassy in Baghdad, which was translating the text it had received from Arabic to Turkish. He added that the Turkish ambassador in Baghdad was talking to a number of contacts, including members of the constitutional drafting committee, so he felt confident that the text was genuine. He added that if we can clarify whether the text is authoritative, he would be grateful.

17. (C) Action request and comment: Request Washington or Embassy Baghdad confirm our latest understanding of the state of play on Kirkuk in the draft constitution so that we may convey this to the Turks. We have encouraged the Turks to discuss this issue with the Iraqis. While we cannot comment on the impact the language on Kirkuk will have in Iraq, Turkey will react negatively and harshly if the constitutional language on Kirkuk is as the Turks claim.  
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